

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

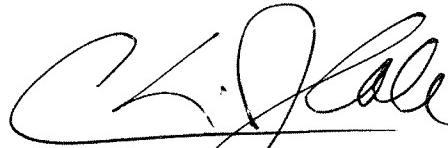
UNIFIED WESTERN GROCERS, INC.;) CIVIL NO. CV03-00336 HG BMK
CERTIFIED GROCERS OF) (Declaratory Judgment)
CALIFORNIA, LTD.; GROCERS)
SPECIALTY COMPANY; ALFRED A.) MEMORANDUM IN SUPPORT OF
PLAMANN; CHARLES PILLITER;) SUBSTANTIVE JOINDER
DANIEL T. BANE; ROBERT M. LING;)
and DAVID A. WOODWARD,)
Plaintiffs,)
vs.)
TWIN CITY FIRE INSURANCE)
COMPANY, an Indiana Corporation,)
Defendant.)

MEMORANDUM IN SUPPORT OF SUBSTANTIVE JOINDER

In the Motion, Plaintiffs Unified Western Grocers, Inc. (“Unified”), fka Certified Grocers of California, Ltd., and Grocery Specialty Company (collectively, the “Corporate Plaintiffs”) seek leave of court to amend their pleadings in this action and file a first amended complaint. The Individual Plaintiffs have no quarrel with the Motion, and agree that the Corporate Plaintiffs should be granted leave to file the amended pleadings as set forth therein. However, the Individual Plaintiffs’ situation is different from that of the Corporate Plaintiffs. Although not so clear at the outset of this lawsuit, subsequent

developments have made it abundantly clear that the Individual Plaintiffs have no substantial interest in this action. The Individual Plaintiffs have been fully indemnified by Unified, both as to the defense costs as well as the settlement. The underlying lawsuits against the Individual Plaintiffs were completely resolved by settlement. Therefore, the Individual Plaintiffs seek leave to amend the pleadings and case caption accordingly, and are entitled to such other relief as is proper, including but not limited to an order dropping them from the case as party plaintiffs.

DATED: Honolulu, Hawaii, APR 10 2007.



WILLIAM C. McCORRISTON
CHRISTOPHER J. COLE
JONATHAN H. STEINER

Attorneys for Plaintiffs UNIFIED
WESTERN GROCERS, INC.; CERTIFIED
GROCERS OF CALIFORNIA, LTD.;
GROCERS SPECIALTY COMPANY;
ALFRED A. PLAMANN; CHARLES
PILLITER; DANIEL T. BANE;
ROBERT M. LING; AND DAVID A.
WOODWARD